IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 11845 of 2004**

Between:

Kunchan Chandra Mohan, S/o Srisailam,
R/o Canada, rep.by his G.P.A. K.Srisailam, S/o Late K.Veeraiah, aged 68 years,
Occ: Agriculture, R/o Shadnagar Mandal proper, Mahaboobnagar District

**..... PETITIONER**

AND

1. The Collector & District Magistrate, Mahaboobnagar District at Mahabubnagar.
2. The Mandal Revenue Officer, Farooqnagar (Shadnagar) Mandal, Mahabubnagar District, Mahabubnagar.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for all the records connected with passing of the impugned order dated 28.2.2004 in file No.E1/6935/2000 passed by the 1st respondent in reversing the order dated 11-10-2002 in file No.A/609/2000 passed by the 2nd respondent and declare the same as illegal and void by issuing an appropriate Writ, Order or Direction preferably one in the nature of Writ of Mandamus.

**Counsel for the Petitioner: MR.K.MAHIPATHI RAO**

**Counsel for the Respondent : GP FOR REVENUE**

**The Court made the following :**

O R D E R :

1. This writ petition is filed by Mr.Kunchan Chandra Mohan with a prayer to call for records in file No.E1/6935/2000 wherein the order passed by the M.R.O. on 11.10.2002 in file No.A/609/2000 has been reviewed.

2. The writ petitioner along with two others filed a petition before the Mandal Revenue Officer, Farooknagar i.e. R2 herein for mutation of their names in the revenue records and for grant of pattedar pass books and title deeds as provided under A.P.Record of Rights in Land and Pattedar Pass Books Act, 1971 (Act.26 of 1971). The Mandal Revenue Officer after hearing the objections of Ramchander Rao and Anantha Padmanabha Chary allowed the application and ordered for incorporation of their names in Column Nos.7, 8 and 15 and necessary entries in other relevant columns of Record of Rights Form-I Register of Solipur village. The District Collector, R1 herein, has reviewed the orders of the Mandal Revenue Officer suo motu and ordered for resumption of the land to the Government by invoking the provisions of A.P.Assigned Lands (POT) Act, 1977.

3. R1 has filed counter affidavit. M.Jagadeeshwar has sworn to the counter affidavit. In para 6 of the counter, it is stated that Bhoodan land originally was assigned under Bhoodan and Gamdan Act, 1965 and the Rules framed therein with a condition of non-alienable under the rules of A.P. Bhoodan and Gramdan Rules, 1965 as these rules shall extend to the relinquishment of land by registered holders thereof or other persons having rights therein, in response to the appeals for Bhoodan, made by Sri

Acharya Vinobhabhave for the assignment of the same to land less poor. In nutshell, it is the plea of R1 that the land in question has been sold by the original assignee in contravention of the Rules in force and thus the land is required to be resumed to the Government.

4. It is no more in dispute that the petitioner is in possession of the land and the Mandal Revenue Officer ordered for issuance of pattedar pass books and title deeds in his favour in respect of land bearing Survey No.154 admeasuring Ac.9-33 cents situated in the limits of Solipur village of Erstwhile Shadnagar Taluk. The District Collector without issuing notice to the petitioner in whose favour the Mandal Revenue Officer passed orders on 11-10-2002, has reviewed the order of the Mandal Revenue Officer. Reviewing the order of the Mandal Revenue Officer without issuing notice to the petitioner amounts to violation of principles of natural justice. Therefore, the order passed by the District Collector (R1) resuming the land to Government is in gross violation of principles of natural justice and the same is liable to be set aside. R1 is at liberty to review the order of Mandal Revenue Officer dated 11.10.2002 after issuing notice to the writ petitioner.

5. Accordingly, this writ petition is allowed. No costs.

Dt: 13th June, 2005. ( B.Seshasayana Reddy, J )

Tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Collector & District Magistrate, Mahaboobnagar District, Mahaboobnagar
2. The Mandal Revenue Officer, Farooqnagar (Shadnagar) Mandal, Mahabubnagar District, Mahabubnagar.

3. 2 copies to Government Pleader for Revenue, High Court Buildgings,

Hyderabad.

4. 2 CD copies